

## **CHAPTER 22**

### **ACCESS MANAGEMENT,**

### **PRIVATE STREETS AND DRIVEWAYS**

**SECTION 22.01 ACCESS MANAGEMENT.** The provisions of this Section are intended to promote safe and efficient travel within Heath Township; minimize disruptive and potentially hazardous traffic conflicts; ensure safe access by emergency vehicles; protect the substantial public investment in the street system by preserving capacity and avoiding the need to unnecessary and costly reconstruction which disrupts business and traffic flow; separate traffic conflict areas by reducing the number of driveways; provide safe spacing standards between driveways, and between driveways and intersections; provide for shared access between abutting properties; implement the Heath Township Master Plan and the M-40 Corridor Management Plan recommendations; ensure reasonable access to properties; though not always by the most direct access; and to coordinate access decisions with the Michigan Department of Transportation and/or the Allegan County Road Commission, as applicable.

**SECTION 22.02 ONE ACCESS PER PARCEL.**

- (a) All land in a parcel or lot having a single tax code number, as of the effective date of the amendment adding this provision to the Zoning Ordinance (hereafter referred to as “the parent parcel”), that has less than 660 feet of public road frontage, unless reduced by Planning Commission, shall be entitled to one (1) driveway or road access per parcel from said public road of highway.
- (1) No subsequent land divisions of a parent parcel, shall increase the number of driveways or road accesses beyond those entitled to the parent parcel on the effective date of this amendment.
- (2) Parcels subsequently divided from a parent parcel, either by metes and bounds descriptions, or as a plat under the applicable provisions of the Land Division Act, Public Act 288 of 1967, as amended, or as a condominium project in accord with the Condominium Act, Public Act 59 of 1978, as amended, shall be required to have access by a new platted subdivision road by another public road, or by a private road that meets the requirements of Section 25.04 or by a joint driveway meeting the standards of Section 25.05.
- (b) Parent parcels with more than 660 feet of frontage on a public road or highway, unless reduced by Planning Commission, shall also meet the requirements of sub-sections (a) (1) and (a) (2) above, except that whether subsequently divided or not, they are entitled to not more than one driveway for each 660 feet of public road frontage thereafter unless a registered traffic engineer determines that topographic conditions on the site, curvature on the road, or sight distance limitations demonstrate a second driveway within a lesser distance is safer or the nature of the land use to be served requires a second driveway for safety. If the parcel is a corner lot and a second driveway is warranted, the second

driveway shall have access from the abutting street unless that street is of a higher functional classification.

**SECTION 22.03 APPLICATION REVIEW, APPROVAL AND COORDINATION PROCESS.**

- (a) Standards of Road Authorities Apply. All standards of the applicable road authority (either the Michigan Department of Transportation or the Allegan County Road Commission, or both) shall be met prior to approval of an access application under this Chapter.
- (b) Application, Review and Approval Process. Applications for driveway or access approval shall be made on a form prescribed by and available from the Heath Township Zoning Administrator.
  - (1) Applications shall be accompanied by clear, scaled drawings (minimum of 1" = 20') in triplicate showing the following items:
    - a. Proposed plan of routing vehicles entering and leaving the site (if passenger vehicles are to be separated from delivery trucks, indicate such on drawing).
    - b. Traffic analysis and trip generation survey results obtained from a licensed traffic engineer for all developments with over 100 directional vehicle trips per peak hours.
    - c. Design dimensions and justification for any alternative or innovative access design.
  - (2) Applications are strongly encouraged to rely on the following sources for access designs, the National Access Management Manual, TRB, 2002; National Cooperative Highway Research Program (NCHRP), "Access Management Guidelines to Activity Centers" Report 348 and "Impacts of Access Management Techniques" Report 420; and the AASHTO "Green Book:" A Policy on Geometric Design of Highways and Streets. The following techniques are addressed in these guidebooks and are strongly encouraged to be used when designing access:
    - a. Not more than one driveway access per abutting road
    - b. Shared driveways
    - c. Service drives: front, rear and perpendicular
    - d. Parking lot connections with adjacent property
    - e. Other appropriate designs to limit access points on an arterial or collector.
  - (3) Applications shall be accompanied by an escrow fee for professional review per the requirements of Chapter 19.
- c. Review and Approval Process. The following process shall be completed to obtain access approval: This process is intended to run concurrent with or subsequent to any individual land use approvals authorized under Chapters 17, 18, 19, 20 or 21.

- (1) An Access Application meeting the requirements of Section 22.03 (B)(1) shall be submitted to the Zoning Administrator and on the same day to the Allegan County Road Commission and/or the Michigan Department of Transportation, as applicable.
- (2) The completed application must be received by the Heath Township Zoning Administrator at least 15 days prior to the Planning Commission meeting where the application will be reviewed.
- (3) The applicant, the Zoning Administrator and representatives of the Allegan County Road Commission, the Michigan Department of Transportation and the Planning Commission may meet prior to the Planning Commission meeting to review the application and proposed access design.
- (4) The Planning Commission shall review and recommend approval, or denial, or request additional information. They shall also forward the Access Application (and other relevant project information) to the Allegan County Road Commission and/or Michigan Department of Transportation for their review as applicable.
- (5) The Allegan County Road Commission and/or the Michigan Department of Transportation, as applicable, shall review the access application and conclusions of the Planning Commission. One of three actions may result:
  - a. If the Planning Commission and the Road Commission, and/or the Michigan Department of Transportation, as applicable, approve the application as submitted, the access application shall be approved.
  - b. If the Planning Commission and the Road Commission, and/or the Michigan Department of Transportation, as applicable, deny the application, the application shall not be approved.
  - c. If either the Planning Commission, Road Commission, and/or Michigan Department of Transportation, as applicable, requests additional information, approval with conditions, or does not concur in approval or denial, there shall be a joint meeting of the Zoning Administrator, a representative of the Planning Commission and staff of the Allegan County Road Commission, and/or the Michigan Department of Transportation, as applicable, and the applicants. The purpose of this meeting will be to review the application to obtain concurrence between the Planning Commission and the applicable road authorities regarding approval or denial and the terms and conditions of any permit approval.

No application will be considered approved, nor will any permit be considered valid unless all the above-mentioned agencies have indicated approval unless approval by any of the above-mentioned agencies would clearly violate adopted regulations of the agency. In this case, the application shall be denied by that agency, and the requested driveway(s) shall not be constructed. Conditions may be imposed by the Planning Commission to ensure conformance with the terms of any driveway permit approved by a road authority.

- (6) Heath Township shall keep a record of each application that has been submitted, including the disposition of each one. This record shall be a public record.

- (7) Approval of an application remains valid for a period of three (3) years from the date it was authorized. If authorized construction is not initiated by the end of three (3) years, the authorization is automatically null and void. Any additional approvals that have been granted by the Planning Commission or the Zoning Board of Appeals, such as Special Use Permits, or variances, also expire at the end of three years.
- (8) An approval may be extended for a period of three (3) months. The extension must be requested, in writing by the applicant before the expiration of the initial approval. The Zoning Administrator may approve extension of an authorization provided there are no deviations from the original approval present on the site or planned, and there are no violations of applicable ordinances and no development on abutting property has occurred with a driveway location that creates an unsafe condition. If there is any deviation or cause for question, the Zoning Administrator shall consult a representative of the Allegan County Road Commission and/or the Michigan Department of Transportation, as applicable, for input.
- (9) Re-issuance of an authorization that has expired requires a new Access Application form to be filled out and processed independently of previous action.
- (10) The applicant shall assume all responsibility for all maintenance of such driveway approaches from the right-of-way line to the edge of the traveled roadway.
- (11) Where authorization has been granted for entrances to a parking facility, said facility shall not be altered or the plan of operation changed until a revised Access Application has been submitted and approved as specified in this Section.
- (12) Application to construct or reconstruct any driveway entrance and approach to a site shall also cover the reconstruction or closing of all nonconforming or unused entrances and approaches to the same site at the expense of the property owner.
- (13) When a building permit is sought for the reconstruction, rehabilitation or expansion of an existing site or a zoning or occupancy certificate is sought for use or change of use for any land, buildings, or structures, all of the existing, as well as proposed driveway approaches and parking facilities shall comply, or be brought into compliance, with all design standards as set forth in this Ordinance prior to the issuance of a zoning or occupancy certificate, and pursuant to the procedures of this Section.
- (14) Heath Township and the Allegan County Road Commission and/or the Michigan Department of Transportation, as applicable, may require a performance bond or cash deposit in a sum equal to the cost of installing each such approach or entrance to insure compliance with an approved application. Such bond shall terminate and deposit returned to the applicant when the terms of the approval have been met or when the authorization is cancelled or terminated.

**SECTION 22.04 PRIVATE ROADS AND STREETS.** The purpose of this section is to provide the regulations for construction, improvement and maintenance of private roads and driveways. The regulation of private roads and driveways is declared to be a public purpose and

necessary for year around access by fire, police and like emergency vehicles. It is further recognized that if private roads and driveways are not constructed, improved or maintained in accordance with certain minimum standards, such roads frequently become impassable and otherwise pose a threat to the health, safety and welfare of the residents who would find use of the roadway essential. Private roads and driveways may be permitted in all zoning districts under the following provisions, unless otherwise provided.

**SECTION 22.05 PRIVATE STREET STANDARDS.** All private streets serving four (4) or more parcels and shared or joint driveways serving lots that do not having the required minimum lot frontage on a public street shall be subject to the following standards (Ref. definitions of Private Street and Driveway in Chapter 3, also reference Section 22.06 Driveways):

- (a) Street Interconnection and Public Streets extensions. The curtailing of public street extensions by the creation of a particular private street or network of dead end private street segments may be prohibited where it is deemed contrary to the furtherance of a necessary public street extension or interconnection. (ref. sub-Section 22.05 par. (h), 2).
- (b) Easements. Private streets shall be situated within a private street easement having a width of sixty six (66) feet. The area of such easement shall not be included in the calculation for determining minimum lot size.
- (c) Lot Requirements And Limitations.
  - (1) **Minimum Frontage:** A lot or parcel having its principal means of access from a private street shall have frontage on the private street easement. This frontage requirement may be satisfied in one of three ways (Ref. Section 16.16 Minimum Street Frontage and Lot Width):
    - a. The frontage shall be continuous and at least equal to the minimum lot width required for the subject zoning district, or
    - b. For lots on private streets serving four or fewer lots, not more than two of the lots may have a property line (frontage) in common with the end line of the 66 foot wide private road easement. The minimum length of the common line (frontage on the end line) shall be twenty five (25) feet.
    - c. If the lot has continuous frontage on a cul-de-sac or a curved street segment having an arc with a radius of less than one hundred fifty (150) feet, the minimum lot frontage at the private street easement line may be reduced to forty (40) percent of the minimum frontage otherwise required in the zoning district.
- (d) Street Extensions And Lot Subdivision. Additional lots may be created with the required frontage on an existing private street. If along an existing private street or joint driveway the number of lots served by the street is increased, the existing portion of the street or joint driveway must be improved or upgraded as necessary for the street to meet the standards of this Section as applicable to the number of lots being served.
- (e) Construction Standards. The spacing, geometric design and minimum surface requirements for all private street entrances within the public right-of-way are subject to

the “Rules Regulating Work On And Over County Roads”, as adopted by the Allegan County Road Commission. In addition, the following standards shall apply to the construction and maintenance of private streets.

- (1) **Maximum Length.** The length of a single access or dead end private street shall be limited to 2640 lineal feet of roadway. The measurement shall be made from the point where the centerline of the private street intersects with the public road right-of-way line, then along the centerline of the private roadway to the street end point most distant from the public right-of-way.
- (2) **Standards for Private Streets Serving Four (4) to Ten (10) Residential Lots.**
  - a. Width: The minimum cross section width of the private street shall be fifteen (15) feet, consisting of at least twelve feet of travel surface and 1 1/2 feet of gravel shoulder on each side of the travel surface.
  - b. Turnouts: Lengthy streets with an average cross-section width, including shoulders, of less than twenty two (22) feet shall include tapered turnouts for two-way vehicle passing. The turnouts shall be provided at strategic locations at a ratio of one for each five hundred (500) feet increment of street length. The turnouts shall provide a combined thru and by-pass lane width of at least twenty (20) feet for a length of at least forty (40) feet. The turnouts shall be provided in addition to individual driveway openings but may be situated opposite driveway openings.
  - c. Turn-Around: Each private street shall provide for the turning around of vehicles at the street end. This shall be accomplished by the use of a cul-de-sac having an improved surface with a minimum outside radius of 40 feet (80 feet diameter) or by use of a continuous loop or circular street layout. On single access streets in excess of 1500 feet of length a turn-around at the approximate mid point of the street may also be required to further facilitate the maneuvering of emergency and service vehicles using
  - d. Drainage, Vertical Clearance And Load Support: All private streets shall be constructed and maintained so as to provide good drainage, vertical clearance and load support and to allow safe and efficient emergency vehicle access to structures. If a street crosses a natural drainage course, stream or other natural body of water, by bridge, culvert or other structure, the Zoning Administrator shall have the authority to require that a registered professional engineer certify that a crossing provides for adequate drainage and is able to carry the loads imposed by emergency equipment operated by the Township and those entities providing mutual aid. Vertical clearance between the street surface/street shoulder and overhanging tree branches or other obstructions shall be maintained at a minimum of 12 feet.
  - e. Base: Twelve (12) inches of sand (granular material class II) compacted in place, or in place natural sand if it is equivalent.
  - f. Surface Material: Private streets serving 3 or fewer lots may have a gravel, crushed concrete or similar improved permeable or impermeable

surface. Private streets serving four or more lots must have a paved surface. Unless a greater standard is required under Sub-Section 22.22(g),(3) below (Standards for Private Streets Serving More than 10 Lots or Parcels) the minimum surface material requirements for private streets used for residential uses (single and two family) are as follows:

- (i) Gravel - M.D.O.T. 22-A, 6 inches thick or an equivalent or better thickness of crushed concrete or limestone.
- (ii) Asphalt - M.D.O.T. 22-A, 6 inches thick gravel sub-base plus M.D.O.T. spec. 4.00, asphalt, 2 1/2 inches thick, or;
- (iii) Concrete - M.D.O.T. 22-A, 6 inches thick gravel sub-base plus M.D.O.T. spec. 6.09 concrete, 5 inches thick

- g. Maximum Grades. Average grades in excess of 10 percent over distances in excess of 100 feet are prohibited. Within thirty (30) feet of an intersection with any other private street or with any public right-of-way, grades shall not exceed four (4) percent.
- h. Minimum Grades and Cross Section. The minimum grade for a private street shall be 0.5 percent. Approximately 1/4 inch (0.02') per foot of cross sectional crown should be maintained.
- i. Curves. The minimum outside turning radius at curves shall be forty (40) feet. The minimum length of a vertical curve shall be forty (40) feet.

(3) **Standards For Private Streets Serving Eleven (11) or More Lots Or Parcels.** Unless modified or waived as provided herein, a private street which is to serve eleven (11) to fifty (50) residential lots or parcels shall be constructed to the standards for platted residential streets as adopted by the Allegan County Road Commission.

(4) **Optional Standards For Private Streets Serving More Eleven or More Lots Or Parcels.** The Allegan County Road Commission platted street standards may be waived and all or portions of the street constructed to the Allegan County Road Commission standards for local roads if one or more of the following conditions will exist. Approval of a modification as allowed herein shall be granted by the Zoning Administrator or Planning Commission as applicable under the review procedures contained or referenced in this section.

- a. If one or both sides of the street or a street segment of greater than five hundred feet (excluding the diameter of a cul-de-sac street end) serves lots or parcels with an average frontage of 220 feet or more,
- b. If one or both sides of the street or a street segment of greater than five hundred feet (excluding the diameter of a cul-de-sac street end) serves lots or parcels that utilize joint driveways, as regulated by section 22.27(b), resulting in an average driveway spacing of 200 feet or greater:
- c. If one or both sides of the street or a street segment of greater than 200 hundred feet (excluding the diameter of a cul-de-sac street end) fronts on

land area that has been permanently dedicated for open space or will not otherwise derive access to the street.

- d. A waiver of the Platted Street standard may be applied independently to each side of the street, creating street segments that have valley gutters on one side and shoulders on the opposite side of the street. Waivers may only be applied to both sides of a street if the land fronting on each side meets one or more of the above criteria, a. b. or c.
- e. The standards for platted streets shall apply to cul-de-sac street ends unless the platted standard has been waived for both sides of the street up to the beginning of the radii of the cul-de-sac.

(5) **Standards For Private Streets Serving More Than Fifty (50) Lots Or Parcels.** Any portion of a residential street which provides direct or indirect means of access to more than fifty (50) lots or parcels shall be constructed in conformance with the street standards of the Allegan County Road Commission as required for residential plat development and shall be dedicated to the public.

(6) **Additional Standards.** Ref. Sub-Section (h)(2) below for additional standards and conditions relative to residential development subject to special use approval.

(f) Street Names, House Numbering and Street Signs.

- (1) A private street shall be given a street name that is not the same or similar to any other street name in the county. A street sign bearing the street name and meeting Allegan County Road Commission standards as to design, location, and maintenance shall be erected and maintained where the private street intersects with public road or another private street.
- (2) A duplicate street name sign bearing the name of each private street shall be provided to the Township at the time of issuance of the Final Private Road Compliance Certificate. The duplicate sign shall be kept and maintained by the Township and shall be installed at the expense of the landowners benefiting from the private street if the original sign becomes damaged destroyed or missing.
- (3) A uniform house number as assigned by the Allegan County Health Department to each dwelling served by the private road shall be conspicuously placed adjacent to the driveway serving a dwelling.

(g) Private Street Maintenance. The applicant(s) and/or owner(s) of a proposed private street shall provide to the Township a recordable or recorded maintenance agreement, access easement agreement, and deed restrictions which shall provide for the perpetual private (non-public) maintenance of such roads and/or easements to a necessary and reasonable standard to serve the parties having an interest in the private road. These documents shall contain the following provisions.

- (1) A method of initiating and financing of such road and/or easements in order to keep the road in a reasonably good and usable condition.
- (2) A workable method of apportioning the costs of all maintenance and improvements including resurfacing.



- (3) A notice that if repairs and maintenance are not made to keep the roadway in safe and good condition, such condition shall be considered in violation of this ordinance.
- (4) A notice that no public funds of the Township of Salem are to be used to build, repair, or maintain the private street and that the Township will be held harmless for any personal or property damage claims stemming from accidents occurring on or in connection with the private streets.
- (5) Easements to the public for emergency and other vehicles and for other public services as are necessary.
- (6) A provision that the owners of any and all of the property using the street shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, and others bound to or returning from any of the properties having a right to use the street.

(h) Procedure for Review of Private Streets

- (1) *Application and Fee.* An application shall be filed with the Zoning Administrator along with a fee as set by the Township Board. Once the application has been determined to be complete, the zoning Administrator shall forward a copy of the permit application to the Township Fire Department for information purposes. A private street application shall contain or be accompanied by the following information:
  - a. The name(s) of the owners and any other parties having any legal interest in the private road and the property across which it is to be constructed.
  - b. Permanent parcel number or legal description of the property or properties over which the private street is to be constructed.
  - c. A small scale site location map, which shows the relationship of the street to surrounding properties and other roadways within one-half mile of the site.
  - d. A scaled drawing prepared by a licensed professional engineer showing the location, route, topographic contours showing relative elevations, dimensions, specifications and design of the private street and any proposed extensions of the street and the location and distance to any public street which the private street is to intersect, and the location of driveways, streets and structures within 150 feet of the proposed private road.
  - e. A road maintenance agreement, access easement agreement and deed restrictions as described in paragraph (h) shall accompany the application.
  - f. A driveway permit for the private road from the Allegan County Road Commission.
- (2) **Street Interconnection and Public Streets Extensions-Determination of Compliance with Section 22.05(a).** Upon receipt of an application the Zoning

Administrator shall review it and determine if it meets the standards and requirements of this Section. If it is evident the proposed street will preclude the extension of the public streets within an area where an extension or interconnection of streets is necessary to further public safety and the efficient development of the public street network, the application shall be considered incomplete. The Zoning Administrator shall then refer the question to the Planning Commission. The Planning Commission shall consider the circulation pattern and traffic volumes on nearby private and public streets, land ownership, existing and proposed land use in the general area, practical difficulties and physical barriers and the recommendations contained within the Heath Township Master Plan and if applicable, the Street and Highway Plans of the Allegan County Road Commission and Michigan Department of Transportation in making a final determination of compliance.

The Planning Commission shall make a determination of compliance or non-compliance with Section 22.05(a), within 30 days of the receipt of the referral from the Zoning Administrator and notify the Zoning Administrator and applicant of such determination in writing. If the determination is made that the private street is in compliance, the Zoning administrator may at that time proceed with the review of the application. If it is determined that the private road will interfere with the orderly and interconnected development of the street network the applicant may modify the application to gain compliance, or appeal the decision to the Zoning Board of Appeals.

- (2) **Additional Standards and Procedures.** The design and construction of private streets serving multi-family developments or any residential development subject to site condominium review or approval by special land use permit, will be subject to review under Chapters 17, Chapter 18 and Chapter 19, as applicable and any conditions imposed by the Planning Commission under those provisions.
- (3) **Approval.** If the Zoning Administrator finds that the application meets the requirements of this section and any condition imposed by the Planning Commission as part of a site plan approval or special use permit, he or she shall within 14 days of the date of receipt of a complete application, approve the application and issue a permit for construction. This permit shall contain the signature of the Zoning Administrator and the date of approval. Two copies of the private street plans shall be signed for approval. One copy shall be retained by the applicant, and one copy shall be retained by the Township. This construction permit does not authorize the construction of any buildings adjacent to the private street. The construction permit is valid for a period of one (1) year from the date of approval. If construction of the private street has not commenced before this date, the permit shall expire. A new permit shall be required before construction can begin.
- (4) **Final Compliance Requirements.** Upon completion of construction of the private road, the applicant shall provide the Zoning Administrator with:

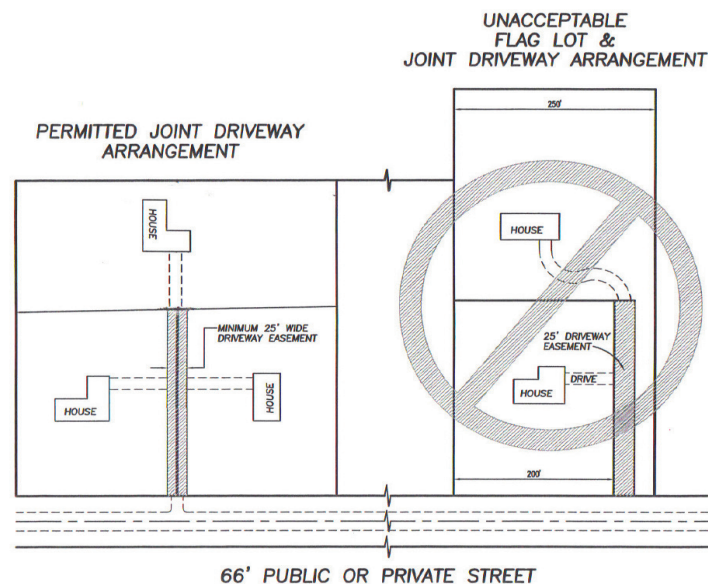
- a. A letter from a registered professional engineer stating that the road has been, designed, inspected and constructed in compliance with the approved private road plans and specifications contained herein, and
- b. Documentation that the road maintenance agreement, access easement, and deed restrictions have been recorded with the Allegan County Register of Deeds office.

**SECTION 22.06 DRIVEWAYS.** The spacing, geometric design and minimum surface requirements for all driveway entrances within the public right-of-way are subject to the “Rules Regulating Work On And Over County Roads”, as adopted by the Allegan County Road Commission. In addition, and unless also regulated under the provisions of Section 22.02, Private vehicular access ways serving not more three (3) lots or parcels are under the provisions of this ordinance classified as “driveways. Driveway that are 250 feet in length or greater and which serve a dwelling or other principle non-farm buildings situated more than 220 feet from an accessible point on a public or private street, shall be subject to the following standards.

(a) Construction Standards:

- (1) Drainage And Load Support. All driveways shall be constructed and maintained so as to provide good drainage and load support and to allow safe and efficient emergency vehicle access to structures. If a driveway crosses a natural drainage course, stream or other natural body of water, by bridge, culvert or other structure, the Zoning Administrator may call on the advice of the Fire Chief or his or her assigns to determine the adequacy of the crossing. The Zoning Administrator shall have the authority to require that any such crossing is certified by a registered professional engineer to its ability to carry the loads imposed by emergency equipment operated by the Township and those entities providing mutual aid.
- (2) Surface Material. The minimum surface material requirements for driveways used for residential uses (single and two family) are as follows:
  - a. Gravel - M.D.O.T. 22-A, 6 inches thick
  - b. Asphalt - M.D.O.T. spec. 4.00, 1 3/4 inches thick
  - c. Concrete - M.D.O.T. spec. 6.09, 4 inches thick
- (3) Grades And Alignment. Sufficient clear vision and turning radii for emergency equipment and service vehicles shall be provided. . Grades in excess of ten (10) percent are discouraged. Average grades in excess of 10 percent over distances in excess of 100 feet are prohibited.
- (4) Width. The minimum width of the driveway surface from the street right of way to any single family dwelling shall be nine (9) feet. The minimum surface width of any driveway serving a two family dwelling or any joint driveway serving two adjoining lots shall be ten (10) feet.
- (5) Turnouts. Lengthy driveways shall include tapered turnouts for two-way vehicle passing. The turnouts shall be provided a at a ratio of one for each Five hundred (500) feet increment of driveway length. The turnouts shall provide a combined thru and passing lane width of at least twenty (20) feet for a length of at least twenty (20) feet.

- (b) **Joint Driveways.** Joint driveways, or single driveways serving no more than three (3) lots or parcels are permitted subject to the following limitations and controls:
- (1) **Easement.** The driveway shall be positioned entirely within a driveway easement. The driveway easement shall be at least twenty five (25) feet in width and may be situated on one or portions of each of the parcels being served. The twenty five (25) foot easement may be included in determining compliance with the lot or lots minimum street frontage requirements (see **Expansion** below).
  - (2) **Minimum Street Frontage.** Notwithstanding provisions to the contrary, an access easement serving three lots will be classified and regulated as a private road unless at least two of the three lots have the required minimum lot frontage (lot width) on a public or private road (ref. Section 22.05). An access easement serving only two lots (a “joint driveway”) will be classified as a private street and will be subject to all of the requirements of Section 22.05 unless both lots have the required minimum lot frontage (lot width) on a public road.
  - (3) **Expansion.** Driveways serving four (4) or more parcels as their principal means of access are for the purposes of this ordinance defined as private streets and are subject to the provisions of Section 22.05. To retain the future option of expanding a joint driveway to a private street, proprietors are advised to utilize 66 foot easement widths and to establish minimum lot frontages exclusive of the easement widths.



**Figure 22-1**

- (c) **Commercial Driveways.** The design, number, placement and construction of any driveway serving a commercial, industrial or multi-family use, or any special land use, is subject to the standards of Section 22.01 and to the review by the Planning Commission under Chapter 19, Site Plan review and/ or Chapter 17. All of the above aforementioned driveways are subject to additional conditions as may be imposed under those provisions.

- (d) Permits, Inspection and Compliance. The Zoning Administrator shall be the inspector of compliance with the aforementioned standards. The Zoning Administrator may retain professional expertise as is deemed necessary in the review of construction plans, field inspections, testing and in the interpretation of test results. All expenses relating to inspection will be paid by the builder of the driveway. Plans for the location and construction of a driveway or joint driveway shall be submitted at the time of an application for a building permit.